

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Plaintiff,

vs.

MYLAN PHARMACEUTICALS  
CORPORATION, INC., et al.,

Defendants.

**CLOSED**

Civil Action No.: 08-5042 (PGS)

**ORDER**

This matter comes before the Court on Plaintiff Novartis Pharmaceutical Corporation's (Novartis's) motion for summary judgment of no prosecution laches and no patent misuse (ECF No. 79.) and on Defendants Mylan Pharmaceuticals Corporation, Inc.'s and Mylan Inc.'s (collectively Mylan's) motion for summary judgment of prosecution laches (ECF No. 76.); and the Court having considered the papers filed in support of and in opposition to the motion; and the Court having heard oral argument on the motions on November 9, 2010; and for the reasons set forth in the Opinion to be issued on or before January 25, 2011; and for good cause shown;

It is on this 20th day of January 2011, **ORDERED** as follows:

1. Novartis's motion for summary judgment is granted. (ECF No. 79.)
2. Mylan's motion for summary judgment is denied. (ECF No. 76.)

  
PETER G. SHERIDAN, U.S.D.J.

January 20, 2011